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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,243	09/24/2003	Chang Cho		8139

7590 07/25/2005

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New York, NY 10017

EXAMINER

NERBUN, PETER P

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/671,243

Applicant(s)

CHO, CHANG

Examiner

Peter P. Nerbun

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>09242003</u> . | 6) <input type="checkbox"/> Other: _____ |

Claims 8-14 are objected to for containing errors in syntax. Applicant recites a headpiece comprising a first "position", a second "position", and a third "position". A "position" is merely a location in space. Therefore physical structure such as a headpiece cannot be defined by various positions. This objection may be overcome by deleting "a first position wherein" in claim 8, line 2, deleting "a second position" in claim 8, line 9, and deleting "a third position" in claim 8, line 12. Further, in claim 8, lines 9 and 12, "is" should be changed to --may be-- and in claim 8, lines 10 and 13, "is" should be deleted.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3,5-9,10,12-18, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Fulghum (U.S.P. 4,993,081). The patent to Fulghum discloses a headpiece assembly comprising a visor portion including a visor 12, Figs. 1, 4 connected to a hatband 14, the hatband having an uninterrupted outer surface and an inner surface, a first portion 16 of a continuous fastening mechanism being positioned on the inner surface and concealed from view by the outer surface of the hatband; a crown portion "CH" having a generally domed shape defining a top and a lower edge, a second portion of the continuous fastening mechanism 18, Fig. 3 being positioned on the lower edge of the crown portion, the first portion being suitably positioned on the

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inner surface of the hatband such that when the first portion and the second portion are connected, the outer surface of the hatband conceals the continuous fastening mechanism (see Fig. 1).

Claims 1,4,5,7,8,11,12,14-16,19, and 20 are rejected under 35 U.S.C. 102(a) as being anticipated by Pu (U.S.P. 6,484,323). The patent to Pu discloses a headpiece assembly comprising a visor portion including a visor 11, Fig. 6A connected to a hatband 17', the hatband having an uninterrupted outer surface and an inner surface, a first portion 14' of a continuous fastening mechanism being positioned on the inner surface and concealed from view by the outer surface of the hatband; a crown portion 12 having a generally domed shape defining a top and a lower edge, a second portion 14" of the continuous fastening mechanism being positioned on the lower edge of the crown portion, the first portion being suitably positioned on the inner surface of the hatband such that when the first portion and the second portion are connected, the outer surface of the hatband conceals the continuous fastening mechanism. The fastening mechanism is a zipper.

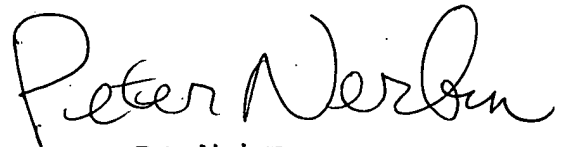
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter P. Nerbun whose telephone number is 571-272-4992. The examiner can normally be reached on M-Th (1st Week) M-F (2d Week).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on 571-272-4983. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peter Nerbun
July 19, 2005

A handwritten signature in black ink that reads "Peter Nerbun". The signature is fluid and cursive, with the first name "Peter" and last name "Nerbun" clearly distinguishable.

Peter Nerbun
Primary Examiner